?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

%DATED: 02.11.2018

*CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
+Crl.O.P.(MD).No.19844 of 2018
and
Crl.M.P.(MD)Nos.9084 and 9085 of 2018

#1.Marimuthu
2.Rajagopal
3.Muthu
4.Elango : Petitioners
Vs.
$1.The Inspector of Police,
All Women Police Station,
Manapparai,
Trichy District.
(In Cr.No.01 of 2015)

2.Dhanalakshmi : Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in C.C.No.182 of 2015 pending on the file of the learned Judicial Magistrate Court, Manaparai and quash the same as against the petitioner.

!For Petitioner : Mr.P.Ganapathisubramanian
^For R1 : Mr.K.Suyambulinga Bharathi
Government Advocate[Criminal side]

:ORDER
This Criminal Original Petition has been filed to quash the proceedings in Crime No.176 of 2016 on the file of the first respondent.
2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate [Criminal Side] appearing for the first respondent.

3.The learned Government Advocate (Crl. Side) would submit that the trial has already commenced in this case and D.W.1 has already been examined. He would further submit that there are totally three witnesses in this case.

4.In view of the above submission, this Court does not want to interfere with the proceedings at this stage. Hence, this Court directs the learned Judicial Magistrate, Manaparai to complete the proceedings in C.C.No.182 of 2015 within a period of three months from the date of receipt of a copy of this order.

5.At this juncture, the learned counsel for the petitioners would

submit that the presence of the petitioners shall be dispensed with, since they are senior citizens.

6.Accepting the said submission, the presence of the petitioners before the trial Court shall be dispensed with on condition that they shall be present at the time of questioning under Section 313 of Cr.P.C. and at the time of passing judgment.

7.The petitioners are further directed to give an undertaking in the form of affidavit that the Counsel representing them will cross examine the prosecution witnesses on the day they are examined in chief. The petitioners shall not dispute the identity of the witnesses. If the petitioners adopts any dilatorial tactics, it is open to the Trial Court to insist for their appearance and deal with the petitioners in accordance with the judgment of Supreme Court of India, in State of Uttar Pradesh Vs. Shambunath Singh, reported in JT 2001(4)s SC 319.

8. With the above direction, this criminal original petition is disposed of. Consequently, connected miscellaneous petitions are also closed.

To

1.The Judicial Magistrate Court,
Manaparai.

2.The Inspector of Police,
All Women Police Station,
Manapparai,
Trichy District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.